

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

PRECISION ASSOCIATES, INC.;
ANYTHING GOES LLC d/b/a MAIL
BOXES ETC., and JCK INDUSTRIES,
INC., on behalf of themselves and all
others similarly situated,

Plaintiffs,
v.

PANALPINA WORLD TRANSPORT
(HOLDING) LTD., *et al.*,

Defendants.

Case No.: 08-CV-00042 (BMC) (PK)

**MEMORANDUM IN SUPPORT OF
PLAINTIFFS' MOTION FOR
DISTRIBUTION OF RESIDUAL
SETTLEMENT FUNDS**

Plaintiffs' Co-Lead Counsel respectfully move the Court for approval to distribute the remaining settlement funds to claims administrator Epiq Class Action and Claims Solutions, Inc. ("Epiq") as compensation for work performed administering the settlement.

On April 24, 2019, this Court granted Plaintiffs' Renewed Motion for Distribution of Settlement Funds (ECF No. 1516) ("First Motion for Distribution") and ordered the settlement funds to be distributed to class members. ECF No. 1535. On August 4, 2020, this Court approved Plaintiffs' Motion for Second Distribution of Settlement Funds and Reimbursement of Expenses (ECF No. 1550) which included funds from unclaimed awards and the reserve from a class member objection. ECF No. 1551. The distribution of these remaining funds was in accordance with Co-Lead Counsel's proposal as detailed in the First Motion for Distribution. ECF No. 1517, at 16-17.

Since having settled with all Defendant groups, Co-Lead Counsel have worked, alongside claims administrator Epiq, on all aspect of settlement and claims administration to ensure class members receive the settlement proceeds due them. Epiq, under the supervision of class counsel,

has gone through extraordinary efforts to ensure that qualified claimants receive and negotiate their distributions. *See Declaration of Michael O'Connor (“O’Connor Declaration”), at ¶¶ 4-16.* These efforts resulted in 99.9% of settlement fund being distributed to qualified claimants. *Id.* at ¶ 16. Indeed, Mr. O’Connor has never observed a more robust, coordinated effort to ensure successful claimants received their awards. *Id.* at ¶¶ 6-7.

Despite those efforts, there remains a residual \$185,142.32. *Id.* at ¶ 18. Epiq incurred more than \$154,957.49 in unbilled fees and costs associated with the second distribution, which does not include more than an estimated 100 hours at \$345/hour Mr. O’Connor expended in connection with the second distribution. *Id.* at ¶ 18. In addition, Epiq had previously agreed to significantly reduce their fees, by \$400,000, for the overall distribution. *Id.* at ¶ 15; Declaration of Michael O’Connor, July 15, 2020, ECF No. 1550-2, at ¶¶ 14-15.

Lastly, it would be cost-prohibitive and economically impracticable to do a third distribution of the residual funds to class members. O’Connor Declaration, at ¶22. Accordingly, Class Counsel recommends and moves this Court to award the residual funds to Epiq. *See In re Arakis Energy Corp. Secs. Litig.*, No. 95 CV 3431(ARR), 2001 WL 1590512 (E.D.N.Y. Oct. 31, 2001) (Court granted Plaintiffs’ request for reimbursement of expenses in full, where the largest portion of the request went towards claims administration cost); *Donnelly v. Peter Luger of Long Island, Inc.*, No.: 2:13-cv-1377 (LDW) (ETB), 2014 WL 12769046 (E.D.N.Y. Nov. 13, 2014) (awarding expenses related to costs incurred by the claims administrator).

For all the foregoing reasons, Co-Lead Counsel respectfully request that the Court approve the Distribution of Residual Settlement Funds to claims administrator Epiq Class Action and Claims Solutions, Inc., (“Epiq”) as compensation for work performed administering the settlement, as described herein.

Dated: July 13, 2022

Respectfully submitted,

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